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territory of each Party. The Parties shall update this Sectoral Annex to reflect the changes.

SECTION VIII

TRANSITIONAL ARRANGEMENT

1. There shall be a transitional period of 24 months.
2. The purpose of this transitional arrangement is to provide a means whereby the Parties to the Agreement can build confidence in and an understanding of each other's system for designating and listing conformity assessment bodies and in the ability of these bodies to test and certify products. Successful completion of the transitional arrangement should result in the determination that conformity assessment bodies listed in Section V comply with the applicable criteria and are competent to conduct conformity assessment activities on behalf of the other Party. Upon successful completion of the transition period, the results of conformity assessment procedures performed by the exporting Party's conformity assessment bodies listed in Section V of the exporting country shall be accepted by the importing Party.
3. This transitional period shall be used by the Parties:
 - (a) to consider new legislative changes needed to support the objectives of the Agreement;
 - (b) to initiate regulatory changes needed to support the objectives of the Agreement;
 - (c) to exchange information on and develop better understanding of their respective regulatory requirements;
 - (d) to develop mutually agreed mechanisms for exchanging information on changes in technical requirements or methods of designating conformity assessment bodies; and

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- (e) to monitor and evaluate the performance of the listed conformity assessment bodies during the transitional period.
- 4. Parties may designate, list, suspend and withdraw conformity assessment bodies during the transitional period according to the procedures in Section VI of this Sectoral Annex.
- 5. During the transitional period each Party shall accept and evaluate test reports and related documents issued by designated conformity assessment bodies of the other Party. To this end, the Parties shall ensure that:
 - (a) on receipt of test reports, related documents and a first evaluation of conformity, the dossiers are promptly examined for completeness;
 - (b) the applicant is informed in a precise and complete manner of any deficiency;
 - (c) any request for additional information is limited to omissions, inconsistencies or variances from the technical regulations or standards; and
 - (d) procedures for assessing the conformity for equipment, modified subsequent to a determination of compliance, are limited to procedures necessary to determine continued conformance.
- 6. Each Party ensures that issuance of approvals, certificates, or advice to the applicant shall be given no later than six weeks from receipt of the test report and evaluation from a designated conformity assessment body in the territory of the other Party.
- 7. Any proposal made during or at the end of the transitional period to limit the scope of recognition of any designated conformity assessment body or to exclude it from the list of bodies designated under this Sectoral Annex shall be based on objective

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criteria and documented. Any such body may apply for reconsideration once the necessary corrective action has been taken. To the extent possible, the Parties shall implement such action prior to the expiry of the transitional period.

8. The Parties may jointly sponsor two seminars, one in the U.S. and one in the European Community, concerning the relevant technical and product approval requirements during the first year after this Sectoral Annex enters into force.
9. Passage from the transitional phase into the operational phase in this Sectoral Annex shall take place provided that a representative number of conformity assessment bodies have been accepted for recognition under the Electrical Safety Annex.

APPENDIX 1

LISTS OF ACRONYMS AND GLOSSARY

ACTE	Approvals Committee for Terminal Equipment
ADLNB	Association of Designated Laboratories and Notified Bodies
CAB	Conformity Assessment Body
CFR	U.S. Code of Federal Regulations, Title 47 CFR
CTR	Common Technical Regulation
EC	European Community
EEC	European Economic Community
EN	Norme Européenne (European Standard)
EU	European Union
FCC	Federal Communications Commission
IEC	International Electrotechnical Commission
ISDN	Integrated Services Digital Network
ISO	International Standards Organization
ITU	International Telecommunications Union
MRA	Mutual Recognition Agreement
MS	Member States (of the European Union)
NB	Notified Bodies
NIST	National Institute of Standards and Technology
OJ	Official Journal (of the European Union)
ONP	Open Network Provision
PSTN	Public Switched Telephone Network
STG	Sectoral Technical Group for Telecommunications
TBR	Technical Basis for Regulation
X21	ITU-T Recommendation X21
X25	ITU-T Recommendation X25

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SECTORAL ANNEX

FOR

ELECTROMAGNETIC COMPATIBILITY

(EMC)

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PREAMBLE

This Annex constitutes a Sectoral Annex to the Agreement on Mutual Recognition of Conformity Assessment between the United States and the European Community.

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SECTION I

LEGISLATIVE, REGULATORY AND ADMINISTRATIVE PROVISIONS

EC	U.S.
<p>Council Directive 89/336/EEC, as amended by Council Directive 92/31/EEC, and Directive 98/13/EC of the European Parliament and of the Council and interpretation thereof.</p>	<p>Communications Act of 1934, as amended by the Telecommunication Act of 1996, (Title 47 of the United States Code),</p> <p>the U.S. regulatory and administrative provisions in respect of equipment subject to electromagnetic requirements including:</p> <ul style="list-style-type: none">- 47 CFR Part 15- 47 CFR Part 18, <p>and FCC interpretation thereof.</p>
<p>For electrical safety aspects see Electrical Safety Sectoral Annex to the Agreement.</p>	<p>For electrical safety aspects see Electrical Safety Sectoral Annex to the Agreement.</p>
<p>For telecommunication equipment and radio transmitters, see also Telecommunication Equipment Sectoral Annex to the Agreement.</p>	<p>For telecommunication equipment and radio transmitters, see also Telecommunication Equipment Sectoral Annex to the Agreement.</p>

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SECTION II

SCOPE AND COVERAGE

US access to the EC market:	EC access to the US market:
Any product falling under the scope of Council Directive 89/336/EEC.	Any products falling under the scope of 47 CFR Part 15 and 18.

SECTION III

CONFORMITY ASSESSMENT PROCEDURES FOR EQUIPMENT IDENTIFIED IN SECTION II

1. Description of Mutual Recognition Obligations

In accordance with the provisions of the Agreement, the results of the conformity assessment procedures produced by a Party's conformity assessment bodies listed in Section V, shall be recognized by the Regulatory Authorities of the other Party without any further conformity assessment of the products, pursuant to Section I.

2. Conformity Assessment Procedures

Taking into account the legislative, regulatory, and administrative provisions as identified in Section I, each Party recognizes that the conformity assessment bodies of the other Party, listed in Section V, are authorized to perform the following procedures with regard to the importing Party's technical requirements for equipment identified in Section II:

- (a) testing and issuing of test reports;
- (b) issuing certificates of conformity to the requirements of the laws and regulations applicable in the territories of the Parties for products covered under this Sectoral Annex.

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SECTION IV

AUTHORITIES RESPONSIBLE FOR DESIGNATING THE CONFORMITY ASSESSMENT BODIES LISTED IN SECTION V

EC	U.S.
<ul style="list-style-type: none"> - Belgium Ministère des Affaires Economiques Ministerie van Economische Zaken - Denmark for telecommunication equipment: Telestyrelsen for other equipment: Danmarks Elektriske Materielkontrol (DEMKO) - Germany Bundesministerium für Wirtschaft - Greece Υπουργείο Μεταφορών και Επικοινωνιών Ministry of Transport and Communications - Spain for telecommunication equipment: Ministerio de Fomento for other equipment: Ministerio de Industria y Energía - France Ministère de l'économie, des finances et de l'industrie - Ireland Department of Transport, Energy and Communications - Italy Ministero dell'Industria, del Commercio e dell' Artigianato - Luxembourg Ministère des Transports - Netherlands De Minister van Verkeer en Waterstaat - Austria for telecommunication equipment: Bundesministerium für Wissenschaft und Verkehr for other equipment: Bundesministerium für wirtschaftliche Angelegenheiten - Portugal Instituto Português das Comunicações de Portugal - Finland for telecommunication equipment: Liikenneministeriö/Trafikministeriet for other equipment: Kauppa- ja teollisuusministeriö/Handels-och industriministeriet - Sweden Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontroll (SWEDAC) - UK Department of Trade and Industry 	<ul style="list-style-type: none"> National Institute for Standards and Technology (NIST) Federal Communications Commission (FCC) Federal Aviation Administration (FAA)

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SECTION V

CONFORMITY ASSESSMENT BODIES

EC access to the U.S. market:	U.S. access to the EC market:
<p>Conformity assessment bodies located in the EC shall be designated by the Authorities identified in Section IV following the procedures set out in Section VI of this Annex.</p> <p>(to be provided by the EC)</p>	<p>Conformity assessment bodies located in the U.S. shall be designated by the Authorities identified in Section IV following the procedures set out in Section VI of this Annex.</p> <p>(to be provided by the U.S.)</p>

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SECTION VI

DESIGNATING, LISTING, SUSPENDING, WITHDRAWING
AND MONITORING CONFORMITY ASSESSMENT BODIES
LISTED IN SECTION V

EC Access to U.S. Market:	U.S. Access to EC Market:
<p>EC Authorities identified in Section IV shall designate conformity assessment bodies located in the EC in accordance with the U.S. legislative, regulatory, and administrative provisions identified in Section I that govern designation of conformity assessment bodies, based upon compliance with the appropriate ISO/IEC Guides (e.g. Guide 22, 25, 28, 58, 61, 62, 65, etc.) or the comparable EN-45000 Series Standards.</p> <p>Procedures for designating, listing, suspending, withdrawing, and monitoring a conformity assessment body listed in Section V shall be undertaken pursuant to Articles 7, 8, 9, and 10 of the Agreement.</p>	<p>U.S. Authorities identified in Section IV shall designate conformity assessment bodies located in the U.S. in accordance with the EC legislative, regulatory, and administrative provisions identified in Section I that govern designation of conformity assessment bodies, based on compliance with the appropriate EN-45000 Series Standards or the comparable ISO/IEC Guides (e.g. Guide 22, 25, 28, 58, 61, 62, 65, etc.).</p> <p>Procedures for designating, listing, suspending, withdrawing, and monitoring a conformity assessment body listed in Section V shall be undertaken pursuant to Articles 7, 8, 9, and 10 of the Agreement.</p>

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SECTION VII ADDITIONAL PROVISIONS

1. SUB-CONTRACTING

- 1.1. Any sub-contracting by conformity assessment bodies shall be in accordance with the sub-contracting requirements of the other Party. Notwithstanding the use of sub-contracting, the final results of conformity assessment remain the full responsibility of the listed conformity assessment body. In the EC, these requirements are described in Council Decision 93/465/EEC.
- 1.2. The conformity assessment bodies shall record and retain details of its investigation of the competence and compliance of its sub-contractors and maintain a register of all sub-contracting. These details will be available to the other Party on request.

2. POST-MARKET SURVEILLANCE, BORDER MEASURES AND INTERNAL MOVEMENT

- 2.1. For the purpose of post-market surveillance, the Parties may maintain any existing labeling and numbering requirements. The assignment of the numbers may take place in the territory of the exporting Party. The numbers will be allocated by the importing Party. Numbering and labeling systems shall not introduce additional requirements within the meaning of this Sectoral Annex.
- 2.2. Nothing in this Sectoral Annex shall prevent the Parties from removing products from the market that do not in fact conform to the requirements for approval.
- 2.3. The Parties agree that border inspections and checks of products which have been certified, labeled or marked as conforming with the importing Party's requirements specified in Section I shall be completed as expeditiously as possible. With regard to any inspections related to internal movement within their respective territories, the Parties agree that these shall be completed in no less a favorable manner than for like-domestic goods.

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3. JOINT SECTORAL COMMITTEE

- 3.1.** A combined Joint Sectoral Committee for this Sectoral Annex and the Telecommunications Equipment Sectoral Annex is hereby established (the JSC). The JSC shall operate during the transitional period and after completion of the transitional arrangement. The JSC shall meet as appropriate to discuss technical, conformity assessment and technology issues relating to this Sectoral Annex and the Telecommunications Equipment Sectoral Annex. The JSC shall determine its own rules of procedure.
- 3.2.** The JSC consists of representatives of the U.S. and the EC for telecommunications and EMC. JSC representatives may each invite manufacturers and other entities as deemed necessary. The representatives for the U.S. shall have one vote in the JSC. The representatives of the EC shall have one vote in the JSC. Decisions of the JSC shall be made by unanimous consent. In the event of disagreement either the U.S. or EC representatives may raise the matter in the Joint Committee.
- 3.3.** The JSC may address any matter related to the effective functioning of this Sectoral Annex, including:
- (a) providing a forum for discussion of issues and resolving problems that may arise concerning the implementation of this Sectoral Annex;
 - (b) developing a mechanism for ensuring consistency of interpretations of legislation, regulations, standards, and conformity assessment procedures;
 - (c) advising the Parties on matters relating to this Sectoral Annex;
 - (d) providing guidance and, if necessary, developing guidelines during the transitional period to facilitate the successful completion of the transitional period.

4. CONTACT POINT

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Each Party shall establish a contact point to provide answers to all reasonable inquiries from the other Party regarding procedures, regulations and complaints under this Sectoral Annex.

5. REGULATORY CHANGES AND UPDATING THE SECTORAL ANNEX

In the event that there are changes to the legislative, regulatory and administrative provisions referenced in Section I or the introduction of new legislative, regulatory and administrative provisions affecting either Party's conformity assessment procedures under the Agreement, such changes shall take effect for the purpose of this Sectoral Annex at the same time they take effect domestically within the territory of each Party. The Parties shall update this Sectoral Annex to reflect the changes.

SECTION VIII
TRANSITIONAL ARRANGEMENT

1. There shall be a transitional period of 24 months.
2. The purpose of this transitional arrangement is to provide a means whereby the Parties to the Agreement can build confidence in and understanding of each others system for designating and listing conformity assessment bodies and in the ability of these bodies to test and certify products. Successful completion of the transition arrangement should result in the determination that conformity assessment bodies listed in Section V comply with the applicable criteria and are competent to conduct conformity assessment activities on behalf of the other Party. Upon completion of the transition period, the results of conformity assessment procedures performed by the exporting Party's conformity assessment bodies listed in Section V shall be accepted by the importing Party.
3. This transitional period shall be used by the Parties:
 - (a) to consider new legislative changes needed to support the objectives of the Agreement;
 - (b) to initiate regulatory changes needed to support the objectives of the Agreement;
 - (c) to exchange information on and develop better understanding of their respective regulatory requirements;
 - (d) to develop mutually agreed mechanisms for exchanging information on changes in technical requirements or methods of designating conformity assessment bodies; and

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- (e) to monitor and evaluate the performance of the listed conformity assessment bodies during the transitional period.
- 4. Parties may designate, list, suspend and withdraw conformity assessment bodies during the transitional period according to the procedures in Section VI of this Sectoral Annex.
- 5. During the transitional period each Party shall accept and evaluate test reports and related documents issued by designated conformity assessment bodies of the other Party. To this end, the Parties shall ensure that:
 - (a) on receipt of test reports, related documents and a first evaluation of conformity, the dossiers are promptly examined for completeness;
 - (b) the applicant is informed in a precise and complete manner of any deficiency;
 - (c) any request for additional information is limited to omissions, inconsistencies or variances from the technical regulations or standards;
 - (d) procedures for assessing the conformity for equipment modified subsequent to a determination of compliance, are limited to procedures necessary to determine continued conformance.
- 6. Each Party ensures that issuance of approvals, certificates or advice to the applicant shall be given no later than six weeks from receipt of the test report and evaluation from a designated conformity assessment body in the territory of the other Party.
- 7. Any proposal made during or at the end of the transitional period to limit the scope of recognition of any designated conformity assessment body or to exclude it from the list of bodies designated under this Sectoral Annex shall be based on objective criteria and documented. Any such body may apply for reconsideration once the necessary corrective action has been taken. To the extent possible, the Parties shall implement such action prior to the expiry of the transitional period.

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8. The Parties may jointly sponsor two seminars, one in U.S. and one in the European Community, concerning the relevant technical and product approval requirements during the first year after this Sectoral Annex enters into force.
9. Passage from the transitional phase into the operational phase in this Sectoral Annex shall take place provided that a representative number of conformity assessment bodies have been accepted for recognition under the Electrical Safety Annex.

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SECTORAL ANNEX FOR ELECTRICAL SAFETY

PREAMBLE

This Annex constitutes a Sectoral Annex to the Agreement on Mutual Recognition between the United States and the European Community.

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SECTION I

LEGISLATIVE, REGULATORY AND ADMINISTRATIVE PROVISIONS

EC access to the U.S. market:	U.S. access to the EC market:
<p>Council Directive 73/23/EEC of 19 February 1973 as amended by Directive 98/13/EC of the European Parliament and of the Council.</p>	<p>29 U.S.C. 651 et seq. U.S. 29 CFR 1910.7</p> <p>Products that are certified or approved under the Federal Mine Safety and Health Act (30 U.S.C. 801 et seq.) or its regulations and used in areas under the authority of the Mine Safety and Health Administration, are not covered under this Annex.</p> <p>Occupational Safety and Health Administration (OSHA) will consider regulatory and legislative changes needed to support the objectives of the MRA.</p>
<p>For medical devices, see the Medical Devices Sectoral Annex to this Agreement.</p>	<p>For medical devices, see the Medical Devices Sectoral Annex to this Agreement.</p>
<p>For electromagnetic compatibility aspects, see the Electromagnetic Compatibility (EMC) Sectoral Annex to this Agreement.</p>	<p>For electromagnetic compatibility aspects, see the Electromagnetic Compatibility (EMC) Sectoral Annex to this Agreement.</p>
<p>For telecommunication equipment, see the Telecommunication Equipment Sectoral Annex to this Agreement.</p>	<p>For telecommunication equipment, see the Telecommunication Equipment Sectoral Annex to this Agreement.</p>

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SECTION II

SCOPE AND COVERAGE

U.S. access to the EC market:	EC access to the U.S. market:
<p>The electrical safety requirements of products falling under the scope of Council Directive 73/23/EEC on the harmonization of the laws of the Member States relating to electrical equipment designed for use within certain voltage limits.</p>	<p>The electrical safety requirements of products falling under the scope of 29 CFR 1910 subpart S. This includes the electrical safety aspects for workplace safety of medical equipment and telecommunication terminal equipment within the scope of those Sectoral Annexes.</p> <p>Products that are certified or approved under the Federal Mine Safety and Health Act (30 U.S.C. 801 et seq.) or its regulations and used in areas under the authority of the Mine Safety and Health Administration, are not covered under this Annex.</p>

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SECTION III

DESCRIPTION OF MUTUAL RECOGNITION OBLIGATIONS

In accordance with the provisions of the Agreement, EC conformity assessment bodies listed in Section V of this Annex shall be recognized to test, certify and mark products within the scope of their Nationally Recognised Testing Laboratory (NRTL) recognition for assessing conformity to U.S. requirements.

With regard to U.S. conformity assessment bodies listed in Section V of this Annex, in the event of a challenge within the European Community under Article 8(2) of Council Directive 73/23/EEC of 19 February 1973, test reports issued by such conformity assessment bodies shall be accepted by the European Community Authorities in the same way that reports from European Community notified bodies are accepted. That is, (listed conformity assessment bodies) in the U.S. shall be recognized under Article 11 of Council Directive 73/23/EEC as "bodies which may make a report in accordance with Article 8."

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SECTION IV AUTHORITIES RESPONSIBLE FOR DESIGNATING THE CONFORMITY ASSESSMENT BODIES LISTED IN SECTION V

EC access to the U.S. market:	U.S. access to the EC market:
<ul style="list-style-type: none"> - Belgium Ministère des Affaires Economiques Ministerie van Economische Zaken - Denmark Bygge- og Boligstyrelsen Danmarks Elektriske Materielkontrol (DEMKO) - Germany Bundesministerium für Arbeit und Sozialordnung - Greece Υπουργείο Ανάπτυξης Ministry of Development - Spain Ministerio de Industria y Energía - France Ministère de l'économie, des finances et de l'industrie - Ireland Department of Enterprise and Employment - Italy Ministero dell'Industria, del Commercio e dell' Artigianato - Luxembourg Ministère des Transports - Netherlands De Minister van Volksgezondheid, Welzijn en Sport - Austria Bundesministerium für wirtschaftliche Angelegenheiten - Portugal Under the authority of the Government of Portugal: Instituto Português da Qualidade - Finland Kauppa- ja teollisuusministeriö/Handels-och industriministeriet - Sweden Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontroll (SWEDAC) - UK Department of Trade and Industry 	<p>National Institute for Standards and Technology (NIST)</p>